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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,233

04/13/2004

Annie Cheng

4076

29745

7590

03/02/2007

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EXAMINER

SCOTT JR, THOMAS E

ART UNIT

PAPER NUMBER

2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/823,233

Applicant(s)

CHENG, ANNIE

Examiner

Thomas E. Scott Jr

Art Unit

2609

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

2. Claims 1, 3, 6, and 8 to because of the following informalities:
 - Claims 1 and 6 to because of the following informalities: Claims 1 and 6 recite "an user". However, it would be better represented as "a user" because of a syntax problem.
 - Claims 3 and 8 recite "a optical system". However, it would be better represented as "an optical system" because of a syntax problem.Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 2-5 and 7-10 recite the limitation of "a mouse" in line 1. There is insufficient antecedent basis for this limitation in the claims.
- Claims 1, 4 - 6, and 9 - 10 recite the limitation of "the computer" in line 10 (claim 1) and line 12 (claim 6). There is insufficient antecedent basis for this limitation in the claim.
- Claims 1, 3, 6, and 8 recite the limitation of "the position" in line 7 of claim 1 and line 10 of claim 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacon, et. al. (U.S. 5,473,344) in view of Gray (U.S. 2002/0196234 A1).

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In Claim 1, Bacon (Fig. 3 and Fig. 4) discloses a mouse (100)

comprising:

- A housing (102,104);
- one or more selection buttons (110, 112) disposed on the housing;
- a scrolling wheel (glide point 202) rotably disposed on the housing;
- a means (ball 117) to track the position of the mouse disposed within the housing;
- a means (cord 114) to communicate with the computer affixed within the housing; and
- a microprocessor (microcontroller included in additional circuitry 158 – column 5 lines 53-54) affixed within the housing and electrically connected to said selection buttons, said scrolling wheel; wherein an user can operate the mouse with one hand to easily edit a document.
- Bacon does not teach one or more buttons with preprogrammed function disposed on the housing, with preprogrammed copy, cut, and paste functions; wherein an user can operate the mouse with one hand to easily edit a document. Gray teaches a mouse (mouse system 200) one or more buttons (203L, 204L) disposed on the housing; said button (203L, 204L) with a

preprogrammed copy function, said button with a preprogrammed cut function, and said button with a preprogrammed paste function; wherein an user can operate the mouse with one hand to easily edit a document ([0058]). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have used the mouse system of Gray comprising pre-programmable buttons to the mouse of Bacon because the preprogrammed function button of Gray can afford individuals with a disability, such as use of only one arm or hand without the inconvenience of holding down buttons while manipulating pointing devices such as touch pads (see [0002] of Gray) to facilitate the editing functions of cutting, copying, and pasting without the user needing to control a keyboard with their other hand or other multi-step on-screen editing processes to move or modify text and/or images.

- In claim 6, this claim differs from claim 1 only in that the limitations of a right selection button disposed on the housing; a left selection button disposed on the housing; and a scrolling wheel rotably disposed between the right selection button and the left selection button on the housing are additionally recited. Bacon teaches a scrolling wheel (glide point 202) disposed

between a right selection button (112) and a left selection button (110).

- In claims 2 and 7, Bacon clearly teaches a rolling ball (ball 117).
- In claims 3 and 8, Bacon teaches the means to track the position of the mouse being an optical system affixed within the housing (column 10 line 63).
- In claims 4 and 9, Bacon teaches a means (cord 114) to communicate with the computer being a wire (column 3, line 42).
- In claims 5 and 10, Bacon teaches the means to communicate with the computer is a wireless transmitter and receiver (column 1, line 40).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Ludwig (U.S. 2002/0179655 A1) discloses an apparatus for editing electronic documents.
- Garcia ((U.S. 2003/0132910 A1) discloses an enhanced computer input device.

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- Kawasome (U.S. 2002/0109671 A1) discloses an input system to more efficiently utilize input devices.

Inquiries

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas E. Scott, Jr. whose telephone number is (571) 270 1714. The examiner can normally be reached on Monday to Friday 7:30 AM – 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272 – 7772. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217 – 9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call (800) 786-9199 (IN THE USA OR CANADA) or (571) 272 – 1000.

TESUR

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SUPERVISORY PATENT EXAMINER

Examiner

26 February 2007